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Attorneys for Plaintiffs  
 NICOLE MOSS  
 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION,  
 SERVICES: HELPING YOU  
 HELP OTHERS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

NICOLE MOSS, an individual; and  
 DISABILITY RIGHTS, ENFORCEMENT,  
 EDUCATION, SERVICES: HELPING  
 YOU HELP OTHERS, a California public  
 benefit corporation,  
 Plaintiffs,  
 v.  
 MANILA BAY CUISINE; LAND MARK  
 TOWNE CENTER, LLC., a Delaware  
 limited liability company; AGLOS, LLC., a  
 Delaware limited liability company;  
 DINKY, LLC., a Delaware limited liability  
 company; GF LIBERTY, LLC., a Delaware  
 limited liability company; CRIMSUN INC.,  
 a California corporation,  
 Defendants.

**CASE NO. C 06-6356 SBA**  
**AMENDED NOTICE OF MOTION AND**  
**MOTION TO ALTER OR AMEND**  
**JUDGMENT**  
 [Fed. R. Civ. P. 59(e)]  
**Date: December 18, 2007**  
**Time: 1:00 PM**  
**Judge: Hon. Saundra B. Armstrong**  
**Room: Courtroom 3, 3rd Floor**  
**Location: 1301 Clay Street,**  
**Oakland, California**  
**Telephone: (510) 637-3541**

Plaintiffs' counsel has been notified by Judge Armstrong's calendar clerk that the date  
 noticed for plaintiffs' motion to alter or amend the judgment, October 30, 2007, is no longer  
 available.

Accordingly, NOTICE IS HEREBY GIVEN that on ***Tuesday, December 18, 2007***, at  
 1:00 p.m., or as soon as the matter may be heard, in Courtroom #3, 1301 Clay Street,

1 Oakland, California, plaintiffs NICOLE MOSS and DISABILITY RIGHTS ENFORCEMENT,  
2 EDUCATION SERVICES: HELPING YOU HELP OTHERS will move this Court to alter or  
3 amend its Order of Dismissal.

4 As grounds for this request, plaintiffs state there is a non-frivolous explanation for their  
5 failure to comply with the Court's scheduling order and failure to prosecute.

6 This motion is based on this Notice of Motion and Motion, the Memorandum of Points  
7 and Authorities filed herewith, the declaration of Maria V. Martinez, the pleadings and papers  
8 on file herein, and upon such other matters as may be presented to the Court at the time of the  
9 hearing.

10  
11 Dated: September 26, 2007

THOMAS E. FRANKOVICH,  
*A PROFESSIONAL LAW CORPORATION*

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13 By: /s/ Thomas E. Frankovich  
14 Thomas E. Frankovich  
15 Attorneys for Plaintiffs NICOLE MOSS and  
16 DISABILITY RIGHTS ENFORCEMENT,  
17 EDUCATION SERVICES  
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